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Human rights situations that require the Council's attention

Written statement* submitted by Iraqi Development Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Ongoing Systematic Rights Violations Against the People in Yemen

IDO, together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, express our utmost concern over the Kingdom of Saudi Arabia and its Coalition's (the "Saudi-led Coalition's") **a)** ongoing serious and systematic violations of rights in Yemen, including political, economic, human, and humanitarian rights. These ongoing and systematic violations come in the form of: **i)** airstrikes on civilian targets that include the use of internationally banned cluster munitions and **ii)** a comprehensive indiscriminate land, air, and sea blockade. We also express our deep concern with the Saudi-led Coalition's **b)** continued lack of cooperation with the United Nations (UN). The Saudi-led Coalition, along with Abd Rabbuh Mansur Hadi's Yemeni government in exile, does not cooperate with the UN. This has been observed in their: **i)** designation of the OHCHR representative as persona non grata; **ii)** non-observance and non-implementation of recommendations made in the Universal Periodic Review (UPR); and **iii)** the inability of Hadi's exiled government's national commission to investigate the violations of the laws of war by any party to the war on Yemen.

We bring to your attention that political negotiations were ongoing in Yemen and would have led to a power-sharing government inclusive of all Yemeni parties and factions but for the Saudi-led war, which interfered with that political dialogue and, in effect, the rights of the Yemeni people to self determination. We continue to warn that as a consequence of the Saudi-led Coalition's war, al-Qaeda was able to reclaim territory it had previously lost to the Yemeni army and popular committees. Prior to the war's outbreak, al-Qaeda controlled only one small desert city, Mukalla. However, due to the war, al-Qaeda now operates freely in many southern areas, where it commits systematic human rights violations, such as in the port city of Aden and recently in Lahj.

a) <u>Ongoing Violations of the Laws of War, Human Rights Law, Humanitarian Law</u>

i) Airstrikes on civilian targets that include the use of internationally banned cluster munitions

In the first 300 days of the war, a total of 8,143 civilians were documented to have been killed by Saudi-led Coalition airstrikes. 4,628 were men (56%), 1,519 were women (19%), and 1,996 were children (25%). The total number of civilians wounded due to the indiscriminate airstrikes exceeds 15,000. 512 bridges were destroyed along with 125 power plants, 164 water stations, 167 telecom stations, 14 airports, 10 sea ports, 325,000 residential homes, 238 hospitals and clinics, 39 colleges and universities, 569 schools and causing 3,750 others to close down.

In addition to the indiscriminate use of air power to attack civilian populations, the Saudi-led coalition has also been documented to have used internationally banned cluster munitions in violation of the principles of distinction, proportionality, and military necessity.

Cluster Munitions

The Saudi-led Coalition's repeated use of internationally banned cluster munitions in civilian areas may indicate a degree of intent to harm civilians, a threshold that, when passed, amounts to war crimes. Throughout the last year, 5 different types of cluster munitions have been documented to have been used by the Saudi-led Coalition in civilian areas. Between April and July 2015 the Saudi-led coalition forces used cluster munitions in at least seven attacks in Yemen's northwestern Hajja governorate, killing and wounding dozens of civilians. More recently, in the early morning of January 6, 2016, the Saudi-led coalition dropped cluster bombs in heavily populated residential neighborhoods of Yemen's capital, Sanaa, including Madbah, Sawad Hanash, Al-Sunaina, Hayel Street, Al-Rabat Street, Al-Ziraa zone, Kuwait Street, Tunis Street, the university zone, and Bir Al-Shaif.

The cluster bombs killed at least one child, injured ten others, and damaged residential property and cars in the vicinity. A school for girls was also partially damaged. The areas the Saudi-led Coalition bombed are densely populated with civilians living in close proximity to schools, hospitals, and markets. They have no military protection.

ii) Imposition of a comprehensive indiscriminate land, air and sea blockade by the Saudi-led Coalition

The Saudi-led Coalition has abused the UN Security Council's (UNSC) Resolution 2216 to justify its blockade of Yemen. UNSC Resolution 2216 is an arms embargo on named individuals. It does not sanction the withholding of food, medical, and fuel supplies from Yemen by a warring party who has committed, and continues to commit, serious and gross violations of the laws of war, human rights, and humanitarian law. Given the UNSC's mandate to maintain peace, stability, and security among nation-states, the UN should extend the embargo to the member states of the Saudi-led Coalition.

The Saudi-led Coalition's abuse of Resolution 2216 has played an integral role in the food insecurity of an estimated 14.4 million Yemenis, 7.4 million of whom are severely food insecure. Moreover, hundreds of hospitals and clinics have shut down due to the Saudi-led Coalition's airstrikes and blockade. The blocking of critical fuel and medical supplies is causing an estimated 15 million Yemeni people to be without adequate access to basic healthcare needs.

b) **Lack of Cooperation With UN**

i) Lack of cooperation with OHCHR Representative

We bring to your attention our continued concern with the Hadi government in exile's lack of cooperation with George Abu al-Zulof, the OHCHR representative in Yemen, by recently designating him as persona non grata due to his documentation of human rights violations in Yemen. It is concerning that the High Commissioner for Human Rights had to emphatically remind Hadi and the Saudi-led Coalition that the UN's job "is not to highlight violations committed by one side and ignore those committed by the other." The UN Human Rights Council tasked the same person who deemed the OHCHR representative persona non grata with implementing a resolution adopted by consensus that calls for the National Commission to investigate the crimes being committed by all parties to the war in Yemen. Despite Hadi's subsequent retraction, his status as part of the Saudi-led Coalition, coupled with his statements and actions, makes him unfit for the position as a neutral arbiter with respect to the crimes being committed.

ii) Non-observance or implementation of the UPR recommendations

We express our concern with Hadi's inability to implement the UPR recommendations, namely the ratification of the Rome Statute by Parliament. The Rome Statute is critical to seeking redress for the crimes in the International Criminal Court's jurisdiction that were, and continue to be, committed against civilians in Yemen. Because there is no functioning government on the ground, Hadi will not be able to complete the ratification process nor would it be in his interest to do so if he actually had a functioning government since he is an integral accomplice to the commission of crimes in Yemen and cannot be reasonably expected to prosecute himself nor the Coalition he is a part of.

iii) Inability of Hadi's national commission to investigate the crimes being committed in Yemen

We express our deep regret and sincere disappointment with the decision to withdraw the draft resolution tabled by the Netherlands in the 30th Session. Our reservations with the Resolution include, but are not limited to, the acknowledgement of Hadi's Presidential Decree No. 13, which calls for the establishment of a National Commission that will not meet international standards. Moreover, there are no legal grounds for the establishment of a National Commission by a government in exile. The legislature, the judiciary, and the executive, should facilitate the implementation of these obligations. Given that the Hadi government is not functioning in Yemen, it cannot carry out its duty of investigations in Yemen. In addition, the National Commission is biased. This is demonstrated by the decree itself, the purpose of which is to investigate and prosecute crimes committed by local parties without reference to the crimes being committed by the Coalition led by Saudi Arabia.

Recommendation

At the 31st Session of the Human Rights Council, IDO together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, urge UN Member States to renew their calls to:

- Set up an independent international commission of inquiry into the crimes being committed by any party to the war on Yemen.

- Call for the imposition of an arms embargo on the Saudi-led Coalition.

- Call for an end to the war on Yemen both the airstrikes and the blockade and full withdrawal of all foreign forces from the territory of Yemen.
- Facilitate humanitarian access to impoverished areas.
- Provide support to Yemen in its struggle against violent extremist forces.
- Facilitate Yemeni-Yemeni dialogue without foreign intervention.